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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BHUPINDER KAUR KHARANA,) No. C 07-4754 TEH
Petitioner,)
v.) DECLARATION OF MELANIE PROCTOR
MICHAEL CHERTOFF, et al.,)
Respondents.)

I, Melanie Proctor, declare and state as follows:

1. I am employed by the United States Attorney's Office, Northern District of California, as an Assistant United States Attorney. My current employment address is 450 Golden Gate Avenue, Box 36055, San Francisco, California, 94102. I am the attorney assigned to the above-captioned matter.

2. I prepared the Government's Return on the basis of the pleadings filed in this case, as well as the administrative record. On September 20, 2007, I reviewed Petitioner's administrative file ("A-file") at Immigration and Customs Enforcement, Department of Homeland Security, 630 Sansome Street, San Francisco, California, 94111.

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PROCTOR DECLARATION
No. C07-3873 MJJ

3. The documents attached as Exhibits A-E are from the A-file.

A true copy of said documents accompanies the Government's Return in this case.

Signed this 22nd day of October, 2007, in San Francisco, California.

/s/
MELANIE L. PROCTOR

EXHIBIT A

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
SAN MARTIN FACILITY

THE PEOPLE OF THE STATE OF CALIFORNIA,

KIRI TORKE CLERK
SUPERIOR COURT OF CALIFORNIA
C. of SANTA CLARA
BY *Mancy* DEPUTY

Plaintiff,

vs.

JUGDISH KAUR SINGH (2/19/62),
9020 CALLE DEL REY, GILROY, CA 95020
BHUPINDER KHARANA (10/9/66),
9020 CALLE DEL REY, GILROY, CA 95020

Defendant(s)

FF196223

FELONY COMPLAINT

DA NO: 010821612

CEN

01043917 JS BAIL 8/21/2001

01043920 BK BAIL 8/21/2001

The undersigned is informed and believes that:

COUNT 1

On or about and between May 10, 2001 and May 22, 2001, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did unlawfully take personal property, Money, of a value exceeding four hundred dollars (\$400.00), the property of Micro D Components (Reddy Subaasrar).

COUNT 2

On or about and between May 10, 2001 and May 22, 2001, in the County of Santa Clara, State of California, the crime of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of PENAL CODE SECTION 532, a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did knowingly and designedly, and by a false and fraudulent representation and pretense, defraud Micro D Components (Reddy Subaasrar) of money, \$11, 000..

COUNT 3

On or about and between May 2, 2001 and May 16, 2001, in the County of Santa Clara, State of California, the crime of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of PENAL CODE SECTION 532, a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did knowingly and designedly, and by a false and fraudulent representation and pretense, defraud Pan Asia Pacific (Peter Abbot) of money, \$23, 000..

COUNT 4

On or about and between May 2, 2001 and May 16, 2001, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did unlawfully take personal property, Money, of a value exceeding four hundred dollars (\$400.00), the property of Pan Asia Pacific (Peter Abbot).

COUNT 5

On or about and between June 22, 2001 and July 12, 2001, in the County of Santa Clara, State of California, the crime of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of PENAL CODE SECTION 532, a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did knowingly and designedly, and by a false and fraudulent representation and pretense, defraud Carl Green (Green Machine) of money, \$17,000..

COUNT 6

On or about and between June 22, 2001 and July 12, 2001, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did unlawfully take personal property, Money, of a value exceeding four hundred dollars (\$400.00), the property of Green Machine (Carl Green).

COUNT 7

On or about and between June 26, 2001 and July 16, 2001, in the County of Santa Clara, State of California, the crime of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of PENAL CODE SECTION 532, a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did knowingly and designedly, and by a false and fraudulent representation and pretense, defraud Genics Company (Jim Lindgren) of money, \$26, 250..

COUNT 8

On or about and between June 26, 2001 and July 16, 2001, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by JUGDISH KAUR SINGH AND BHUPINDER KHARANA who did unlawfully take personal property, Money, of a value exceeding four hundred dollars (\$400.00), the property of Genics Company (Jim Lindgren).

(NOPR) It is further alleged that in the commission and attempted commission of the offense(s) charged above the defendant JUGDISH KAUR SINGH, with the intent to do so, took, damaged and destroyed property of a value exceeding fifty thousand dollars (\$50,000), within the meaning of Penal Code section 12022.6(a)(1).

(NOPR) It is further alleged that in the commission and attempted commission of the offense(s) charged above the defendant BHUPINDER KHARANA, with the intent to do so, took, damaged and destroyed property of a value exceeding fifty thousand dollars (\$50,000), within the meaning of Penal Code section 12022.6(a)(1).

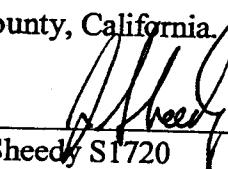
Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant JUGDISH KAUR SINGH, for the above-listed crimes.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant BHUPINDER KHARANA, for the above-listed crimes.

Complainant therefore requests that the defendant(s) be dealt with according to law.

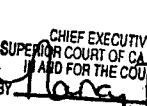
I certify under penalty of perjury that the above is true and correct.

Executed on August 9, 2001, in SANTA CLARA County, California.


Sheedy S1720
(Marfia M6750)
GPD (408) 846-0300 013996 ***
SIBLEY/ D362/ FELONY/ jd

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: KIRI TORRE

JAN 27 2003

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF CALIFORNIA OF SANTA CLARA
AND FOR THE COUNTY OF SANTA CLARA
By  DEPUTY



SOUTH COUNTY FACILITY
12425 MONTEREY ROAD
SAN MARTIN, CA 95046
PEOPLE VS. BHUPINDER KHARANA
K.A. 9020 CALLE DEL REY
GILROY, CA
JUDGE HON. KENNETH L. SHAPERO
REPORTER M CALDWELL
EF. ATTY. RAFFAELLI D.A. *Sibley*
HARGES F (001) PC484/487 (A)
F (003) PC532
F (005) PC532

CASE NO. FF196223
CEN 01043920
DATE 12/14/2001 9 DEPT. AM 91
HEARING PRELIMINARY SETTING
AGENCY GI-04304-M6750-MARFIA
STATUS 0-BB -24000/P1 L25 TW Y
CLERK: BAETZEN APOSONGCO
F (002) PC532
F (004) PC484/487 (A)
F (006) PC484/487 (A)

VIOLATION DATE
05/10/2001
*
4-15-02 *7 AM* *D90*

NEXT APPEARANCE

<input checked="" type="checkbox"/> Defendant Present <input type="checkbox"/> Not Present	<input checked="" type="checkbox"/> Atty Present <i>RJZ</i>	AD / PD / Legal Aide / Special App
<input type="checkbox"/> WFA <input type="checkbox"/> Arr'd <input type="checkbox"/> Amended complt	<input type="checkbox"/> Arr <input type="checkbox"/> Plea <input type="checkbox"/> IDC <input checked="" type="checkbox"/> Prob / Sent	<input type="checkbox"/> Interp
<input type="checkbox"/> PC977 Waiver <input type="checkbox"/> Filed <input type="checkbox"/> On file	<input type="checkbox"/> Bail / OR/ SORP <input type="checkbox"/> Rect Dr Rpt <input type="checkbox"/> FAR	<input type="checkbox"/> Pretrial Services to Contact Gateway for Assm't
<input type="checkbox"/> NG <input type="checkbox"/> Entered by CRT <input type="checkbox"/> NGBRI / Adv	<input type="checkbox"/> PSet <input type="checkbox"/> Prelim <input type="checkbox"/> PTC <input type="checkbox"/> S/B MTC	<input type="checkbox"/> Bail Reinstated <input type="checkbox"/> Bail Exonerated
<input checked="" type="checkbox"/> Priors / Allegations / Enhancements Denied	<input type="checkbox"/> Further <input type="checkbox"/> Jury <input type="checkbox"/> CT <input type="checkbox"/> Peo/Def Wav Jury	<input type="checkbox"/> Forfeited Bond # <i>510</i>
<input checked="" type="checkbox"/> TW <input type="checkbox"/> TNW <input checked="" type="checkbox"/> TW / WD <input type="checkbox"/> for Sent	<input type="checkbox"/> Proof of <i>Ref'd</i>	<input type="checkbox"/> Reassumption Filed <input type="checkbox"/> Forfeiture Set Aside
<input type="checkbox"/> Ref / Appt PD / ADO <input type="checkbox"/> Conflict Decl	<input type="checkbox"/> Ref'd	<input type="checkbox"/> \$ <i>100</i> Costs Within 30 Days to Court
<input type="checkbox"/> Relieved <input type="checkbox"/> Appt'd	<input type="checkbox"/> Crim Proc Susp <input type="checkbox"/> Rein	<input type="checkbox"/> SORP / OR <input type="checkbox"/> Revoked <input type="checkbox"/> Reinstated
<input type="checkbox"/> Hrg on Motion	<input type="checkbox"/> Doubt Decl Pursuant PC 1368	<input type="checkbox"/> BW Ordered \$ <i>100</i> <input type="checkbox"/> Stayed
<input type="checkbox"/> Granted <input type="checkbox"/> Den <input type="checkbox"/> Subm <input type="checkbox"/> OC	<input type="checkbox"/> Subm on rept <input type="checkbox"/> Found	<input type="checkbox"/> BW Set Aside <input type="checkbox"/> Recalled <input type="checkbox"/> To Issue
<input type="checkbox"/> Drs. Appointed	<input type="checkbox"/> Max Term <input type="checkbox"/> Committed	Other: <i>No old counts to be filed if new facts not taken made - 5/10/01</i>
<input type="checkbox"/> Prelim Waived <input checked="" type="checkbox"/> Certified to General Jurisdiction <input type="checkbox"/> MDA / COM Amended to		

PLEA Conditions: None No State Prison PC17 after 1 Yr Prob Includes VOP

Jail / Prison Term of *PC 484/487 (A)* Subm time of sent

Dismissal Striking *PC 484/487 (A)* *PC 484/487 (A)* *PC 484/487 (A)* Adv Max Pen Parole/Probation Appeal Immig Reg PC290/HS11590/PC457.1/PC186.30 Future serious felony prior PC12021 (gun)

Waives Constit Rights Written Waiver filed PC17 REDUCTION Waives Arbuckle Harvey Stip *all cts 6/10*

COP PLEADS GUILTY NOLO CONTENDERE to charges & admits enhs/priors (see below) Factual Basis found Findings stated

Notice of Eligibility Filed DEJ Granted Rpt to DADS DEJ Rein DEJ Term Guilty Plea Rendered

Waives Referral Ref'd to APO Full Rpt PROBATION DENIED

Sentenced to State Prison/County Jail Sent Suspended FINES/FEES: PAY TO Ref to DOR COURT

PROBATION Execution Imposition of sentence suspended for probation period

COURT FORMAL PROBATION GRANTED for Days / Mos / Yrs COUNT \$ *100* + PA \$ *100* Purs HS11350d

Report to APO within Days Upon Release Terminated COUNT \$ *100* + PA \$ *100*

Commun Altern Program Perform hrs Volunteer Work DPF / AIDS \$ *100* + PA \$ *100*

Submit Search / Testing Educ / Voc Trng / Empl DRF / RF \$ *100* Add'l RF\$ *100* Susp'd PC1202.45

Not drive w/o valid DL & Ins DVPO issued / mod / term Exp DEJ \$ *100* CTS PC 2900.5 \$ *100*

Not own/possess deadly weapons Weapon ordered destroyed AEF \$ *100* **TOTAL DUE** \$ *100*

No contact w/victim or family / co-defts unless appr by APO PC1202.05 ADPA \$ *100* Committed @ \$ *100* /Day

No alcohol / drugs or where sold Restitution LAB \$ *100* Consec/Conc to *100*

Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm NC \$ *100* Payments Granted / Modified

PC296 (DNA) PC1202.1 (Aids Testing) Aids Education Program ASF / CPF \$ *100* \$ *100* / Mo beginning *100*

Other: AR \$ *100* FINE STAYED *100*

VOP: Arr'd VOP Admits/Denies Violation Court Finds VOP / No VOP

Prob Rein / Mod / Term / Revoked / Remains Revoked / Ext to *PC 1202.1 (A)(1) - admitted*

Original Terms & Conditions Except as Amended Herein

Coterminous with

No Further Penalties

JAIL/PRISON See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons

Count F/M Violation Prison Term / Yrs Enhancement / Priors Yrs / Styd / Strkn County Jail

2	R F	PC532							
3	R F	PC532							
3	R F	PC532							
7	R F	PC532							

Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Total

PC 1202.1 (A)(1) - admitted

CTS = ACT + PC4019 PC2933.1 = TOTAL DAYS TOTAL TERM

Straight time WWP PC1209 Fees Waived Court Rec Except EMP/PSP/WF/ERP/DRP/Co Parole/NP

Sent Deemed Srvd Rpt to Local Parole Ady of Yrs Parole/Appeal Rights Consec Conc to *100*

Bal CJ Susp All but Days/Mos On Cond Complete Residential Treatment Prgm Serve Consec MO/TU/WE/TH/FR/SA/SU

Pre-process AM/PM Stay/Surrender Transport to @ AM/PM or Sooner

REMANDED-BAIL \$ NO BAIL COMMITTED RELEASED OR SORP DOC TO CONTACT JAC FOR ASSM'T

AS COND OF SORP BAIL INCREASED / REDUCED TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL

DISTRIBUTION: BLACK - FILE COPY, GREEN - DOC, BLUE - CJIC, PURPLE - DOR/PROBATION, BROWN - DEFENDANT

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
ATTACHMENT PAGE**

PEOPLE vs. Kharanda

CASE # FFVAC0223
DATE: 9/3/2002

Count	F/M	Violation	Prison Term /Yrs	Enhancements / Priors	Yrs/Styd/Strkn	County Jail
X		No private internet use at home				
X		No internet provider were private position is commerce				
X		No internet business				

Strike Prior(s) stricken pursuant to PC1385 based on the following reasons:

- 1.
- 2.
- 3.
- 4.
- 5.

ADDITIONAL PROBATION CONDITIONS:

Participate in San Jose Alternatives to Violence Men's Drop-In Group until enrolled in Domestic Violence Program
 Participate in Alcohol/Child Abusers or other therapeutic program/counseling as directed by APO/Court

Participate in Delete Reinstate 1st Offender 3 mos 6 mos MOP Report within _____ days
 DL suspended/revoked/restricted for _____ days/mos/ yrs to, from, during Work/Alc Prog/School/Appts. _____ Pur VC
 IID advised / ordered / removed. Term _____ yrs. Vehicle impounded / not impounded Standard conditions Pursuant VC23600

Pay all certified batterer's program participation fees
 Do not annoy, molest, strike, attack, threaten, harass, batter, sexually assault or disturb the peace of the victim
 No contact with victim or family / co-defendants unless approved by APO / Court
 No contact by mail / pager / portable communication device
 Stay away from victim's residence and place of employment
 Stay _____ feet / yards from victim
 May have contact with victim under conditions approved by APO
 Obey all Family Court orders
 Shall not use corporal punishment in the disciplining of children

No illegal drugs / medications without a prescription
 Take all medications as prescribed

GANG ORDERS: no insignia, tattoos, emblem, button, badge, cap, hat, scarf, bandanna, jacket, or other article of clothing which is evidence of affiliations with/or membership in a gang, no association with gang members, not frequent any areas of gang related activity. Shall not be adjacent to any school campus during school hours unless enrolled or with prior administrative permission. Shall not appear at any court proceeding unless a party, or defendant in a criminal action or subpoenaed as a witness. Register as required by law due to gang association.
 Other: _____

EXHIBIT B

Family Name (CAPS)		First	Middle		
JHARANA, Bhupinder Kaur		AKA KHARANA, Bhupinder			
Country of Citizenship		Passport Number and Country of Issue		File Number	
INDIA		A-110159 India		A 40 052 358	
U.S. Address IN SERVICE CUSTODY					
Date, Time, Place, and Manner of Last Entry		Passenger Boarded At			
05/21/1987 SFR		IMMIGRANT		Unknown	
Number, Street, City, Province (State) and Country of Permanent Residence Khambra, India					
Date of Birth		Date of Action		Location Code	
10/09/1966		02/27/2003		SNJ/INV	
City, Province (State) and Country of Birth		AR <input type="checkbox"/>	Form: (Type and No.)	Lifted <input type="checkbox"/>	Not Lifted <input type="checkbox"/>
Khambra, India		Same			
NIV Issuing Post and NIV Number		Social Security Account Name			
New Delhi, India IV-40,052,358		Same			
Date Visa Issued		Social Security Number			
05/11/1987		558-95-0573			
Immigration Record					
SEE NARRATIVE AND ATTACHMENTS			Criminal Record		
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			SEE NARRATIVE AND ATTACHMENTS		
Jugdish Singh, USC, U.S. (Natz - 1989)			Number and Nationality of Minor Children		
Father's Name, Nationality, and Address, if Known			Claims 2-USC		
Amolak SINGH, India, India			Mother's Present and Maiden Names, Nationality, and Address, if Known		
Monies Due/Property in U.S. Not in Immediate Possession			Rajinder KAUR, India, India		
<input type="checkbox"/> None Claimed		<input type="checkbox"/> See Form I-43		Fingerprinted? Yes <input type="checkbox"/> No <input type="checkbox"/> INS Systems Checks CIS/DACS/CII/CJICS Charge Code Word(s) R2A3	
Name and Address of (Last)(Current) U.S. Employer			Type of Employment		Salary <input type="checkbox"/> Employed from/to
UNEMPLOYED			LABORER		UNKNOWN UNKNOWN
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)					
Institution name: KHARANA, Bhupinder			Institution No.: DRN607		ERD: CII No.: A22966754

Sex	Hair	Eyes	Complexion
F	BLACK	BROWN	MEDIUM
Height	Weight	Occupation	
5'04"	168	LABORER	
Scars and Marks			
N/V			
F.B.I. Number		Marital Status	
407336TB9		Married	
Method of Location/Apprehension			
511.2.2			
At/Near		Date/Hour	
SANTA CLARA COUNTY JAIL		1/23/2003	
By			
D.M. Sanchez, Special Agent			
Status at Entry		Status When Found	
IMMIGRANT		IN INSTITUTION	
Length of Time Illegally in U.S.			
OVER 1 YEAR			

SEE NARRATIVE AND ATTACHMENTS			Criminal Record		
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			SEE NARRATIVE AND ATTACHMENTS		
Jugdish Singh, USC, U.S. (Natz - 1989)			Number and Nationality of Minor Children		
Father's Name, Nationality, and Address, if Known			Claims 2-USC		
Amolak SINGH, India, India			Mother's Present and Maiden Names, Nationality, and Address, if Known		
Monies Due/Property in U.S. Not in Immediate Possession			Rajinder KAUR, India, India		
<input type="checkbox"/> None Claimed		<input type="checkbox"/> See Form I-43		Fingerprinted? Yes <input type="checkbox"/> No <input type="checkbox"/> INS Systems Checks CIS/DACS/CII/CJICS Charge Code Word(s) R2A3	
Name and Address of (Last)(Current) U.S. Employer			Type of Employment		Salary <input type="checkbox"/> Employed from/to
UNEMPLOYED			LABORER		UNKNOWN UNKNOWN
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)					
Institution name: KHARANA, Bhupinder			Institution No.: DRN607		ERD: CII No.: A22966754

SUBJECT came to the attention of the Service, pursuant to her incarceration at the Santa Clara County Jail, Elmwood Facility, Milpitas, California, for the offense of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of Section 532 of the California Penal Code.

SUBJECT is married female, 36 years old, native and citizen of India since birth, who alleged to have entered the United States as set forth above.

SUBJECT was, on December 14, 2001, convicted in the Superior Court of California, in and for the County of Santa Clara, on four (4) counts, for the offense of OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES, in violation of Section 532 of the California Penal Code.

SUBJECT was, on December 14, 2001, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of, TOOK/DAMAGED AND DESTROYED PROPERTY OF A VALUE EXCEEDING \$50,000 DOLLARS, in violation of Section 12022.6 of the California Penal Code.

SUBJECT admits alienage. Except for what is mentioned above, SUBJECT disclaims any other ties, equities, or petitions pending before the Service on her behalf.

SUBJECT did not indicate any fears of torture or persecution should she be Removed to her Country of Citizenship.

NTA/WA. Bond Recommendation: No Bond.


(Signature and Title)

Alien has been advised of communication privileges pursuant to 8 CFR 242.2(e) (Date/Initials) 01/23/2003 DMS

DISTRIBUTION

1 FILE
1 STATISTICAL
1 DACS / CREATE

1 LOG
1 AGENT
1 VR (if applicable)

Received: (Subject and Documents) (Report of Interview) from:

Officer: D.M. Sanchez, Special Agent
on: 02/27/2003 Disposition: NTA/WA
Reviewing Officer: 